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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

CLIFF STEVENSON JACKSON,

Petitioner,

vs.

D.W. NEVEN, *et al.*,

Respondents.

Case No. 2:14-cv-01454-GMN-NJK

ORDER

13 This is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a
14 Nevada state prisoner. Petitioner has paid the filing fee for this action. (ECF No. 5).

15 Petitioner submitted a petition which was received by this Court on September 9, 2014.
16 (ECF No. 1-1). Petitioner later filed a petition on October 16, 2014, which was docketed as an
17 “amended petition.” (ECF No. 6). However, the petition filed October 16, 2014, identifies itself on
18 page 1 as a “supplemental” petition. (ECF No. 6, at p. 1). Both the original petition and the
19 supplemental petition shall be served on respondents. Respondents shall respond to the claims
20 asserted in both petitions.

21 Petitioner has filed two motions seeking the appointment of counsel in this action. (ECF
22 Nos. 2 & 4). Pursuant to 18 U.S.C. § 3006A(2)(B), the district court has discretion to appoint
23 counsel when it determines that the “interests of justice” require representation in a habeas corpus
24 case. Petitioner has no constitutional right to appointed counsel in a federal habeas corpus
25 proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425,
26 428 (9th Cir. 1993). The decision to appoint counsel is within the Court’s discretion. *Chaney v.*
27 *Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*,
28 730 F.2d 1228, 1234 (9th Cir.), *cert. denied*, 469 U.S. 838 (1984). The petitions on file in this

1 action are well-written and sufficiently clear in presenting the issues that petitioner wishes to bring.
2 The issues in this case are not complex. Counsel is not justified in this instance. The motions for
3 the appointment of counsel are denied.

4 **IT IS THEREFORE ORDERED** that petitioner's motions for the appointment of counsel
5 (ECF Nos. 2 & 4) are **DENIED**.

6 **IT IS FURTHER ORDERED** that the Clerk of Court **SHALL FILE** the original petition
7 (ECF No. 1-1).

8 **IT IS FURTHER ORDERED** that the Clerk of Court **SHALL MODIFY THE DOCKET**
9 to reflect that the petition filed at ECF No. 6 is a "supplemental petition."

10 **IT IS FURTHER ORDERED** that the Clerk of Court **SHALL ELECTRONICALLY**
11 **SERVE** the original petition and the supplemental petition upon the respondents.

12 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45) days** from entry
13 of this order within which to answer, or otherwise respond to, the original and supplemental
14 petitions. In their answer or other response, respondents shall address all claims presented in the
15 petitions. Respondents shall raise all potential affirmative defenses in the initial responsive
16 pleading, including lack of exhaustion and procedural default. **Successive motions to dismiss will**
17 **not be entertained**. If an answer is filed, respondents shall comply with the requirements of Rule 5
18 of the Rules Governing Proceedings in the United States District Courts under 28 U.S.C. §2254. If
19 an answer is filed, petitioner shall have **forty-five (45) days** from the date of service of the answer
20 to file a reply.

21 **IT IS FURTHER ORDERED** that any state court record exhibits filed by respondents shall
22 be filed with a separate index of exhibits identifying the exhibits by number or letter. The hard copy
23 of all state court record exhibits shall be forwarded, for this case, to the staff attorneys in the **Reno**
24 Division of the Clerk of Court.

25 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the Attorney
26 General of the State of Nevada a copy of every pleading, motion, or other document he submits for
27 consideration by the Court. Petitioner shall include with the original paper submitted for filing a
28 certificate stating the date that a true and correct copy of the document was mailed to the Attorney

1 General. The Court may disregard any paper that does not include a certificate of service. After
2 respondents appear in this action, petitioner shall make such service upon the particular Deputy
3 Attorney General assigned to the case.

4 **DATED** this 15th day of April, 2015.

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8 Gloria M. Navarro, Chief Judge
9 United States District Court
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